



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

PUBLIC MEETING MINUTES:	DELAWARE REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, April 12, 2012 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES APPROVED:	May 10, 2012

MEMBERS PRESENT

Andrew Staton, Professional Member, Chairman
Christopher J. Whitfield, Professional Member, Vice Chairman
Michael Harrington, Sr., Professional Member, Secretary
James C. Brannon, Jr., Public Member
Gilbert Emory, Public Member
Ricky H. Allamong, Professional Member
Patricia O'Brien, Public Member
Vincent M. White, Professional Member
Joseph F. McCann, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Kay Warren, Deputy Director, Division of Professional Regulation
Eileen Heeney, Deputy Attorney General
Gayle Melvin, Administrative Specialist III
Jessica Williams, Administrative Specialist II

ALSO PRESENT

Doug Doyle
Crystal Hudson, SCAOR
Denise Tatman, DAR
David Foster
Juli LaBadia, Court Reporter
Marcia Brunswick
Frank Szczuka

CALL TO ORDER

Mr. Staton called the meeting to order at 9:06 a.m.

REVIEW OF MINUTES

A motion was made by Mr. Brannon, seconded by Mr. Whitfield to approve the minutes of the meeting held on March 8, 2012. The motion passed unanimously.

NEW BUSINESS

Education Committee Report

Mr. Doyle reviewed the approvals from the Education Committee meeting held on April 5, 2012. Mr. Allamong reported that the Sussex County Association of Realtors is offering an Ethics Course on May 1, 2012 for licensees to comply with the NAR ethics requirement. He asked if this course could be used by licensees to meet the module requirement once the proposed revisions to the continuing education requirements have been passed. Ms. Heeney advised that the proposed revisions to the rules and regulations or the education guidelines will not yet have passed on that date nor will we know on that date that they are even going to pass. She also advised that there are no provisions in the proposed revisions to make approval of courses retroactive.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

A motion was made by Mr. White, seconded by Mr. Brannon to approve and deny course providers, instructor applications and student requests as noted in the minutes of the April 5, 2012 meeting of the Real Estate Education Committee. The motion passed unanimously.

Applications for Licensure

Ratification of Salesperson Applications

A motion was made by Mr. White, seconded by Ms. O'Brien to ratify the following new salesperson applicants as presented:

Michelle Lennon, CBRE Inc., Wilmington, DE
Susanne Olshefski, Weichert Realtors, Chadds Ford, PA
Gerald Startzel, Prudential Fox & Roach, Hockessin, DE
Dwayne Geames, Prudential Fox & Roach, Hockessin, DE
Bryan Barr, Re/Max Realty Group, Rehoboth Beach, DE
Paulette Kreider, Keller Williams, Media, PA
Lynn Williams, Prudential Fox & Roach, Greenville, DE
Lisa Tortorello, Prudential Fox & Roach, Greenville, DE
James Wells, Re/Max Premier Properties, Berlin, MD
Christopher Baldini, Patterson Schwartz, Hockessin, DE
Jeremy Walmer, Prudential Fox & Roach, Newark, DE
Debra Albertson, National Referral Real Estate, Wilmington, DE
Kenneth Chin, Re/Max Associates, Bear, DE
Adrienne Weber-Schwandtner, Long & Foster, Rehoboth Beach, DE
Clifford Barkley, III, Prudential Fox & Roach, Hockessin, DE

Terry Best, Coldwell Banker Residential Brokerage, Bethany Beach, DE
Michele Meyer-Burch, Exit Preferred Realty, Chesapeake City, MD
Justin Campbell, Re/Max Associates, Hockessin, DE
Angellette Young, Prudential Fox & Roach, Wilmington, DE
Kate DiCesare, Prudential Fox & Roach, Newark, DE
Samantha Simpson, Remax 1st Choice, Middletown, DE
Staci Hammonds, Jack Lingo Realtors, Rehoboth, DE
Aashka Patel, Remax Associates, Newark, DE

The motion passed unanimously.

Review of Associate Broker Applications

A motion was made by Mr. Brannon, seconded by Mr. Whitfield to approve the following associate broker applications:

Ernest Felici, Jr.
Michael Woods

The motion passed unanimously.

Review of Broker Applications

A motion was made by Mr. White, seconded by Mr. Harrington to approve the following broker applications:

Jose De La Pena
Carl Ortman

The motion passed unanimously.

Review of Applications for New Offices

The application of Prudential Gallo for a new office was reviewed. A motion was made by Mr. Harrington, seconded by Ms. O'Brien to approve this application. The motion passed by majority vote. Mr. Allamong and Mr. Staton abstained from the vote.

The applications of Alliance Real Estate Professionals, Harrington Relocation Realty and Harrington Realty, Inc. for new offices were reviewed. A motion was made by Mr. Staton, seconded by Ms. O'Brien to approve these applications. The motion passed by majority vote. Mr. Harrington abstained from the vote.

The application of DMS Commercial for a new office was reviewed. A motion was made by Mr. Whitfield, seconded by Mr. Allamong to approve this office pending verification that the broker is a signatory on the escrow account. The motion passed unanimously.

The application of Annette Green & Associates, Inc. for a new office was reviewed. A motion was made by Mr. Allamong, seconded by Mr. Whitfield to approve this application pending receipt of a diagram of the floor plan and pictures showing that the entrance goes directly into the office. The motion passed unanimously.

Review of Applications for Reinstatement

The application of Lisa Finn for reinstatement of a salesperson's license was reviewed. A motion was made by Mr. Brannon, seconded by Mr. Whitfield to approve Ms. Finn for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

The application of Joseph Gallagher for reinstatement of a salesperson's license was reviewed. A motion was made by Mr. Brannon, seconded by Mr. Whitfield to approve Mr. Gallagher for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

HEARING

David Foster Regarding the Commission's Proposal to Deny of His Application for a Salesperson's License

Ms. Heeney called the formal hearing to order at 9:23 a.m. At its meeting on February 9, 2012, the Commission proposed to deny Mr. Foster's application for a salesperson's license because he was convicted of crimes substantially related to the practice of real estate, in violation of 24 *Del. C.* Section 2907(a)(4) and Rules and Regulations 15.1, 15.1.6 and 15.1.126.

Present for the hearing was Mr. Foster. Verbatim testimony was recorded by the court reporter. Mr. Foster presented testimony and answered questions from Commissioners.

The Commission went off the record at 9:34 a.m. to hold deliberations. The Commission went back on the record at 9:35 a.m. A motion was made by Mr. Whitfield, seconded by Mr. Harrington to grant Mr. Foster a waiver of his criminal convictions and to approve Mr. Foster's application for a salesperson's license. The motion passed unanimously. The hearing ended at 9:36 a.m.

NEW BUSINESS CONTINUED

Review of Salesperson Application

The application of Morgan Hill for a salesperson's license was reviewed. A motion was made by Mr. Whitfield, seconded by Mr. Harrington to approve this application. The motion passed by majority vote. Mr. Allamong and Mr. White voted against the motion.

Status of Complaints

Complaint No. 02-32-10 – Closed
Complaint No. 02-33-10 – Closed
Complaint No. 02-35-10 – Closed
Complaint No. 02-03-12 – Closed
Complaint No. 02-04-12 – Assigned to Mr. Whitfield
Complaint No. 02-06-11 – Closed

Update on Status of House Bill No. 271

Mr. Whitfield gave an update on the status of House Bill 271 and reported on a meeting that he had attended before the House Housing and Community Affairs Committee. House Bill 271 clarifies the exemption for auctioneers selling real property not needing to be licensed by the Real Estate Commission. The Bill allows the exemption for the day of the sale only. The Bill was released from the

Committee; however, a compromise on the number of days that an auctioneer can work the sale after the auction has to be reached by DAR and the auctioneers. A motion was made by Mr. Whitfield, seconded by Mr. Harrington to send a letter of support for an amendment to the Bill to indicate that the exemption will apply for a ten day time frame after the auction date for the parties registered at the auction. The motion passed unanimously. Ms. Heeney will draft the letter for Mr. Staton's signature.

Paul Snipes, Jr., - Review of Request for an Extension to Take the State Exam

The Commission reviewed the letter from Paul Snipes, Jr., requesting an extension due to medical reasons to take the state portion of the exam in order to have his license reinstated. A motion was made by Mr. Allamong, seconded by Mr. Emory to grant Mr. Snipes an extension until June 1, 2012 to take the exam. The motion passed unanimously.

Marcia Brunswick – Review of Email Regarding Property Management Course Required per Commission's Final Order

The Commission reviewed the email from Marcia Brunswick stating that she had not been able to find a property management course which she was required to complete as per the Commission's final order. She stated that she had completed three hours in fair housing, three hours of ethics and three hours of salesperson's core course. She also stated that since she had not been able to find a property management course, she had taken an additional six hours of salesperson's core courses to show that she was trying to fulfill the probation requirements. A motion was made by Mr. Allamong, seconded by Mr. Brannon to remove the probation status from Ms. Brunswick's license upon receipt of her continuing education certificates. The motion passed by majority vote. Mr. White recused himself from the discussion and vote. Ms. Heeney will prepare an order for Commission members to sign.

Brynn Williams – Review of Request for Waiver or Extension of Continuing Education

The Commission reviewed the letter from Brynn Williams requesting a waiver or an extension of the continuing education because she had been out of the country as an exchange student. A motion was made by Mr. White, seconded by Mr. Brannon to deny Ms. Williams' request. The motion passed unanimously.

Report and Recommendations from Test Development Meeting Held on March 28-29, 2012

Ms. Melvin reported on the Test Development Meeting held on March 28-29, 2012. She reviewed the changes made to the state content outline. A motion was made by Mr. Harrington, seconded by Mr. Allamong to approve the changes made to the state content outline to be effective July 9, 2012. The motion passed unanimously.

Ms. Melvin also reported that it was recommended by the subject matter experts that the number of questions on the salesperson's state exam be increased from 30 questions to 40 questions and the number of questions on the broker's state exam be increased from 40 questions to 50 questions. If the number of questions is increased on the broker's exam, there will be two forms of the exam. A motion was made by Mr. Harrington, seconded by Mr. Whitfield to approve the increase of the number of questions on the salesperson's and broker's exams. The motion passed unanimously.

Discussion: Annual Seminar

It was decided that the annual seminar will be held on September 13, 2012 at Poly-Tech Adult Education Center in Woodside from 9:00 a.m. to 12:00 Noon.

OLD BUSINESS

Sign Final Order from Hearing Held for Hugh Smith

The final order from the hearing held for Hugh Smith was signed by Commission members.

Discussion: Updating the Pamphlet Versions of the Consumer Information Statements

This was tabled until the next meeting.

Rename and Appoint New Members to Subcommittee to Review Statute Revisions

A motion was made by Mr. Whitfield, seconded by Mr. Allamong to dissolve the Subcommittee to Review Statute Revisions. The motion passed unanimously.

A motion was made by Mr. Whitfield, seconded by Mr. Staton to form a new Subcommittee on Reciprocity and Education with Mr. Harrington as Chairperson, Mr. Whitfield and Mr. Staton. The motion passed unanimously. A motion was made by Mr. Harrington, seconded by Mr. Whitfield to add Doug Doyle to this Subcommittee. The motion passed unanimously.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

There was no other business brought before the Commission.

PUBLIC COMMENT

Mr. Szczuka addressed the Commission regarding workforce housing. The Commission decided that the Subcommittee on Reciprocity and Education will review the seller's disclosure forms to see if any changes need to be made to better protect the public. Mr. Szczuka provided documents to Ms. Melvin for the Subcommittee to review.

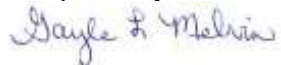
NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, May 10, 2012 at 9:00 a.m.

ADJOURNMENT

A motion was made by Mr. Brannon, seconded by Mr. Whitfield to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 10:39 a.m.

Respectfully submitted,



Gayle L. Melvin
Administrative Specialist III